

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No.: 571-273-0459) on Jan. 23, 2008. The communication includes 16 pages.

Signature of Sender:

Paul Vincent

Name of Sender:

PAUL VINCENT

PATENT

Applicant: BAER, Gerd

) Examiner:

Application No.: 10/566,084

) unknown

Filing Date: January 27, 2006

) Art Unit:

For: ELEVATING PLATFORM SYSTEM

) unknown

Atty. Docket No.: 0365 0030US

TRANSMITTAL LETTER FOR PETITION UNDER 37 CFR 1.181

PCT LEGAL OFFICE

Commissioner for Patents

Alexandria, VA 22313-1450

U.S.A.

Transmitted herewith is a petition under 37 CFR 1.181. Please note the following crossed items:

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- ☐ A copy of the Notice of Missing Requirements is enclosed with Petition under 37 CFR 1.181.
- ☐ A true translation of the application.
- ☐ Declaration enclosed.
- ☒ Petition under 37 CFR 1.181.
- ☐ Preliminary amendment enclosed.
- ☒ Please charge Deposit Account Number 50-1030 in the amount of \$ 65 for the late Declaration.
- ☒ The Commissioner is hereby authorized to charge payment of fees associated with this communication or credit any overpayment to Deposit Account Number 50-1030.
- ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Return Postcard Receipt

Respectfully submitted



Dr. Paul Vincent
Reg. No. 37,461

Jan. 23, 2008
Date

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BAER, Gerd) Examiner:
Application No.:	10/566,084) unknown
Filing Date:	January 27, 2006) Art Unit:
For:	ELEVATING PLATFORM SYSTEM) unknown

Atty. Docket No.: 0365 0030US

PETITION UNDER 37 CFR 1.181 TO WITHDRAW A NOTICE OF
ABANDONMENT

A Notification of Abandonment was mailed on December 7th, 2007 for failure to respond to a Notice of Missing Requirements mailed May 23rd, 2006 within the time period set therein. The applicant hereby petitions for withdrawal of abandonment since a proper timely response was in fact faxed to the US PTO.

STATEMENT OF FACTS:

On May 31st 2006 the applicant received a Notification of Missing Requirements requiring submission of an Oath or Declaration of Inventors by July 23rd, 2006. On July 13th, 2006 the applicant transmitted the missing requirements to the US PTO, Fax Number 571-273-3201. The Certificate of Transmission procedure was used and the fax contained seven pages in which the first two pages were the transmittal letter per se, the second two pages the Notification of Missing Requirements and the last three pages the missing Declaration. The fax machine confirmed

successful transmission such that the deadline was considered to be met. On December 24th, 2007 the applicant received a Notification of Abandonment indicating abandonment of the instant application due to lack of response to the missing requirements notice.

EVIDENCE IN SUPPORT OF THESE FACTS:

Enclosed is a true copy of the fax submission response to the Notice of Missing Requirements. The Certificate of Transmission entry on the first page of the fax indicates that the transmission was sent and signed by Judith Lang on July 13th, 2006. The true copy of the transmission indicates two pages of transmission letter, two pages of the Notification of Missing Requirements and three pages of the missing Declaration. Also enclosed is a true copy of the associated fax machine confirmation sheet. The fax machine confirmation sheet comprises an upper portion indicating the relevant data for the transmission. The transmission was initiated at 16:10 on July 13th, 2006 and ended at 16:11. Seven pages were sent and the status was 'OK'. The last line indicates that the transmission was successful. The receiving fax number 001-571-273-3201 is indicated next to the small symbol of the telephone in the upper portion of the confirmation sheet. The bottom portion of the sheet contains a copy of the upper part of the first page of the seven page transmission. The confirmation is also initialled with "jlg" by Judith Lang following confirmation by the fax machine that the transmission was successfully completed.

Also enclosed with this partition is a Declaration signed by Judith Lang. The Declaration by Judith Lang indicates that she in fact signed and performed the transmission in the course of routine paralegal secretary duties at the subject law firm. This Declaration confirms the signature on

the Certificate of Transmission and confirms the correctness of the transmission data.

SUMMARY AND REQUESTS:

This petition provides clear evidence that a timely response was filed to the Notice of Missing Requirements. The response was obviously lost by the US PTO, therefore initiating the abandonment. The applicant therefore respectfully requests reconsideration on the part of the US PTO and reinstatement of this case to non-abandoned status.

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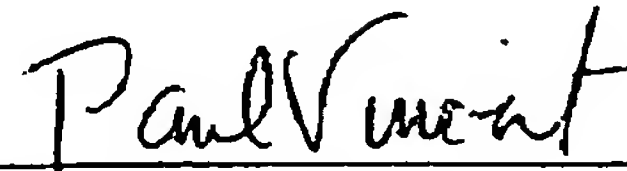
Enclosures:

Response to Notice of Missing Requirements

Fax confirmation sheet

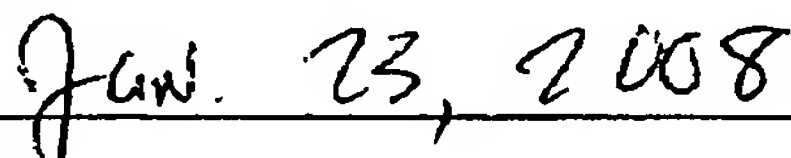
Declaration of Judith Long

Respectfully submitted,



Dr. Paul Vincent

Registration No. 37,461


Date

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No.: 571-273-3201) on July 13, 2006. The communication includes 7 pages.

Signature of Sender:

Lang, Judith

Name of Sender:

J. Lang

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BAER, Gerd

) Examiner:

Application No.: 10/566,084

) unknown

Filing Date: January 27, 2006

) Art Unit:

For: ELEVATING PLATFORM SYSTEM

) unknown

Atty. Docket No.: 0365 0030US

TRANSMITTAL LETTER SUBMITTING MISSING REQUIREMENTS

MAIL STOP PCT

Commissioner for Patents

Alexandria, VA 22313-1450

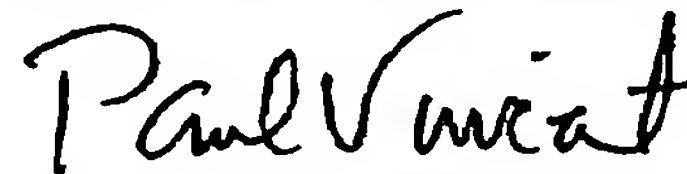
U.S.A.

Transmitted herewith is a submittal of missing requirements in the above identified application. Please note the following crossed items:

2

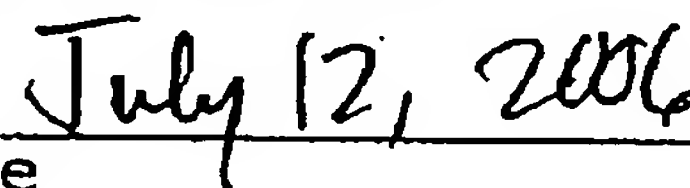
- (X) A copy of the Notice of missing requirements is enclosed.
- () An Assignment of Invention to
- (X) Declaration enclosed.
- () Two sheets formal drawings enclosed.
- (X) Please charge Deposit Account Number 50-1030 in the amount of \$ 65 for the late Declaration.
- (X) The Commissioner is hereby authorized to charge payment of fees associated with this communication or credit any overpayment to Deposit Account Number 50-1030.
- (X) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- () Return Postcard Receipt

Respectfully submitted



Dr. Paul Vincent

Reg. No. 37,461



Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/566,084	FIRST NAMED APPLICANT DREISS, FUHLENDORF, STEIMLE & BECKER 29894 POSTFACH 10 37 62 D-70032 STUTTGART, GERMANY	ATTY. DOCKET NO. 03650030US		
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Eingegangen 31. Mai 2006 Dreiss Patentanwälte </div>		INTERNATIONAL APPLICATION NO. PCT/EP04/08565		
		<table border="1"> <tr> <td>L.A. FILING DATE 07/30/2004</td> <td>PRIORITY DATE 08/01/2003</td> </tr> </table>	L.A. FILING DATE 07/30/2004	PRIORITY DATE 08/01/2003
L.A. FILING DATE 07/30/2004	PRIORITY DATE 08/01/2003			
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> FRIST 26.7.06 FRIST/VORFRIST NOT. </div>		CONFIRMATION NO. 5499 371 FORMALITIES LETTER *OC000000018894164*		

Date Mailed: 05/23/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Preliminary Amendments filed on 01/27/2006
- Information Disclosure Statements filed on 01/27/2006
- Request for Immediate Examination filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,084	PCT/EP04/08565	03650030US